



## **Body of Persons: Guidance Notes**

### **Body of Persons approval (BOPA)**

The Local Authority has power under Section 37 (3) (b) of The Children and Young Persons Act of 1963 to issue an exemption licence to an organisation, known as a 'body of persons', for a performance that is taking place in that Authority.

- BOPA can be issued for a specific performance, or for a limited period of time as set out in the approval, to put on performances that involve a number of children.
- The granting of a BOPA to an organisation (or Body hereafter) replaces the need to apply for individual licences from each child's home local authority during the period of approval – as long as the BOPA criteria and conditions continue to be fulfilled.
- The decision whether to issue a BOPA is at the discretion of the Local Authority. They are better placed to assess arrangements made to safeguard children in local activities, to inspect those arrangements and enforce any requirements or conditions intended to protect children.

### **Who can apply?**

- The Body responsible for putting on the performance, and for ensuring the safety and wellbeing of the children taking part, must apply.
- Any type of Body can apply; it doesn't matter if they are a professional company, amateur group, stage or broadcast.

### **What needs to be considered?**

1. BOPAs are issued by the local authority where the performance is taking place, therefore in certain circumstances where a production is taking place in several authorities, the Body will have to apply to each local authority separately.
2. A BOPA can only be issued where no payment is made to the child or anyone else in respect of the child taking part in the performance other than reasonable expenses.
3. A BOPA can only be issued if children are not required to be absent from school to take part in rehearsals and/or performances. If any absence is required from school then individual licences must be applied for.
4. The rehearsals and/or performances must comply with the Children (Performances and Activities) (England) Regulations 2014 in respect of the maximum number of days and permitted hours of performance and breaks. (Please see appendix 1) .
5. The Body has in place clear, robust and appropriate policies and procedures for safeguarding children including a Child Protection Policy and Health and Safety Policy.
6. Through regional agreement North Yorkshire County Council require that members of The Body who are to act as chaperones must be registered as a chaperone by the Local Authority where they live and hold a current enhanced disclosure form issued by the DBS.

## **Responsibilities of the Body of Persons on issuing a BOPA:**

It is the responsibility of the Body:

- To ensure that safeguarding arrangements for the children are made and adhered to.
- Not to permit children to be at the place of performance outside the hours permitted by the Children (Performances and Activities) (England) Regulations 2014.
- to ensure that a schedule of forthcoming performances is submitted to North Yorkshire County Council at least 21 days prior to each performance, to comprise of:
  - the date of performances
  - the time of arrival and departure
  - the number of children taking part
  - a list of Chaperones responsible for the children taking part in the performance/s
- To keep records of each child's performance including all of the points requested above.
- To ensure that suitable arrangements have been made for the child to get to and from the venue where the performance/rehearsal is being held.
- Not to use children in performances that may be dangerous nor to train children for dangerous performances.
- To notify North Yorkshire County Council of any changes to the original application e.g. change of premises, etc.
- To give any authorised officer of the County Council unrestricted access whilst any rehearsal or performance is taking place at any venue that the Body uses for such purposes.

## **Application Process**

The person responsible for the Body and a second responsible person must complete the relevant application form and return it to us. Once the Authority has satisfied itself that all the necessary steps have been taken and criteria met North Yorkshire County Council will issue the Body with an exemption licence.

### **Completed application forms to be sent to:**

**The Safeguarding Unit, Room SB216, South Block, County Hall, Northallerton DL7 8AE**  
Tel: 01609 536916      Email: [childlicensing@northyorks.gov.uk](mailto:childlicensing@northyorks.gov.uk)  
Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)



**CHILDREN IN ENTERTAINMENT  
RESTRICTIONS IN RELATION TO ALL PERFORMANCES**

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal (Reg.22)	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal (Reg.21)	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal (Reg.22)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance or rehearsal (Reg.22)	2 hours	3 hours	5 hours
Minimum intervals for meals and rest (Reg.23)	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes  If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes  If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.
Education (Reg.13)	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.
Minimum break between performances (Reg.23)	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6 days

**Note:** Local authorities should take note of Regulation 5 that allows the licensing authority to further restrict these permitted hours, breaks etc. and place additional conditions on the licence if this would be in the best interests of the individual child.